

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

Chapter 11  
Case No. 16-23397 (RDD)

**Krishnan Shanker Chittur**

Debtor.

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DEBTOR'S MOTION TO AVOID JUDICIAL LIEN ON RESIDENTIAL ESTATE

1. Debtor commenced this case on October 12, 2016, by filing the above-numbered voluntary petition for relief under Chapter 7 of title 11, U.S. Code.
2. On January 14, 2016, a judgment had been entered against Debtor in the amount of \$246,529.30 in the New York Supreme Court, County of New York by APF MAD 286 LLC, GAN 286 Madison LLC, and 286 Madison Associates LLC, all having their offices at 28 West 44th Street, 7th Floor, New York, NY 10036 ("Landlords"). Upon information and belief, this is recorded as a judicial lien in the office of the Clerk of Westchester County against Debtor's home, owned jointly by Debtor and his wife, at 340 South State Road, Briarcliff Manor, New York.
3. The fair market value of Debtor's and his wife's home is \$629,500.
4. As of the petition date, Debtor's and his wife's home is encumbered by a first mortgage, which had an outstanding balance of \$356,056, and a second mortgage, which had an outstanding balance of \$169,000. The total amount of the outstanding balance on the two mortgages is thus, \$525,056.
5. Debtor's interest in the property does not exceed \$331,100 in value, and has been

claimed as fully exempt in this case<sup>1</sup> .

6. The existence of Landlords' lien on Debtor's home impairs exemptions to which the Debtor would be entitled to under 11 U.S.C. §522(b).

WHEREFORE, the Debtor requests and Order against Landlords (APF MAD 286 LLC, GAN 286 Madison LLC, and 286 Madison Associates LLC) for the cancellation and avoidance of the judicial liens on their residential real estate, and for such additional or alternative relief as may be just and proper.

Dated: September 28, 2017

New York, New York

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<sup>1</sup>The non-debtor, non-filing spouse is entitled to a homestead exemption in an equal amount. *John T. Mather Memorial Hospital, Inc. v. Pearl*, 723 F.2d 193, 194 (2d Cir. 1983); *In re Armenakis*, 406 B.R. 589, 616 (Bankr. S.D.N.Y. 2009).